

MEC CONSTITUTION REVISION

Proposals for revision of constitution

This paper describes the background and proposals for constitutional changes proposed by the MEC executive for consideration by the full Council at a Special meeting on March 27th 2017. The current constitution is available on the MEC website at <http://www.mec.org.uk/about-mec/>

Background

- 1 The existing constitution has been in place since 1999. The governance working group (GWG) has been working since 2009 on a number of inter-related constitutional issues, the two main ones being that MEC is an unincorporated association; and that its constitution is no longer fit for purpose.
 - 1.1 The GWG has considered various legal forms; and has also looked from scratch at what MEC is doing, how it's doing that, and how we might give greater clarity to that in the constitution.
 - 2.1 By September 2015 we had a constitution model for how we might like to work: a general membership electing a small trustee group who have the legal "care and control" of the organisation; and a 'sub-committee' without the responsibilities of being trustees, whose job it is to progress matters of music education in the ways set out in our objects: this committee would be partly elected, partly a forum of the main strategic organisations in music education in the UK. We suggested that the model would assume incorporation. The MEC Executive agreed to that model.
 - 2.2 We then looked at possible legal forms (the standard company limited by guarantee, and the newer Charitable Incorporated Organisation CIO); considered the much greater demands of the Charity Commission these days (on what you can and can't put into constitutions for such an operation); and learned of a number of other practical issues that needed to be taken into consideration.
 - 2.3 A full consultation with MEC members took place in July 2016.

What we have achieved with our changes:

- 3.1 *We have clarified responsibilities and so mitigated risks*
 - 3.1.1 We have decoupled the role of care and control of the charity (which most people are not that interested in) from doing the business of working together to improve music education (which is why we're all members of the council) by creating a new, small trustee body, and building on the concept of working groups (called sub-committees in the constitution) as they have evolved over the past 24 months and as allowed by the current constitution.

- 3.1.2 A **Board of five trustees** (Chair-elect; Chair; Past Chair; Treasurer; Secretary) will be able to consider matters of care and control much more easily than the current 22-strong executive – and so will help to mitigate risk of personal liability. The trustee board will be elected, from both organisation and individual members. Any skills gaps such as legal or financial expertise would involve (as at present) seeking professional advice as and when required.
- 3.1.3 Freed of that responsibility, the re-structured exec (called a “**Forum**”) consisting of 18 members plus the trustees, will be able to concentrate on carrying out the main constitutional aim of MEC (“bring together those involved in music education and training, thereby creating a common meeting ground and opportunities for the exchange of information and the promotion of joint ventures”).
- 3.1.4 **The Forum will look after the working groups** – already involving over 80 MEC members and progressing music education over a range of fronts simultaneously

3.2 *We clarified organisational membership*

- 3.2.1 Most members are organisations. We need to make it clear that the place on the Forum is occupied by an organisation, in the shape of a representative.

At the same time, the constant cry from government is that they want a single body to relate to. A body whose core membership changes every year does not make for stability in that relationship.

- 3.2.2 For both those reasons, it is proposed that **twelve places** on the **Forum** are reserved for specific organisations, which hold their place by right rather than by election. These organisations form a **standing list**. The twelve organisations in the standing list form the majority of the forum; and there is provision for that list of organisations to be amended from time to time. The remaining **six places** on the forum will be filled by election as at present.
- 3.2.3 Great care is needed to ensure the initial standing list is well and properly chosen. To be eligible for inclusion on the Standing List a Member must:
 - a) be an Organisational Member;
 - b) represent a constituency, through which it is informed about music education in practice;
 - c) have a strategic remit for actively shaping and improving music education policy;
 - d) exercise its strategic remit over at least one country of the UK; and
 - e) agree that its Representative will be a senior figure in the organisation
- 3.2.4 Any Organisational Member that considers itself to meet the above criteria may put itself forward. In the event of there being more applications than the available vacancies the full membership shall vote on inclusion on the initial Standing List – the organisation(s) with the most votes will be appointed to the Standing List.
- 3.2.5 Any Member may put themselves forward for election to the remaining 6 places on the Forum with the support of one nominating Member and one seconding Member.

3.3 *We recognise individuals*

- 3.3.1 Some of our most strategic thinkers in music education have no organisational affiliation. But they don't get recognised by the constitution. **Individuals** will be treated the same as organisations – one member one vote – and will be able to stand for election to both the Trustee Board and to the Forum.